

McKool Smith

Ashley N. Moore
Direct Dial: (214) 978-6337
amoore@McKoolSmith.com

300 Crescent Court
Suite 1500
Dallas, TX 75201

Telephone: (214) 978-4000
Facsimile: (214) 978-4044

January 8, 2021

VIA ECF:

Hon. Kevin N. Fox
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 1007

RE: Bytemark, Inc. v. Xerox Corp. et al., 1:17-cv-01803-PGG, Motion to Strike

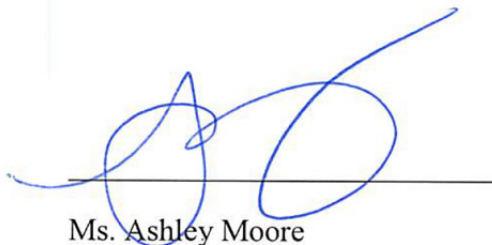
Dear Judge Fox:

On Wednesday, January 6, at approximately 6:12 PM, Defendants filed its Reply in Support of its Motion to Compel and Motion for Protective Order (Dkt. No. 118). Defendants inadvertently overlooked the Court's Order limiting replies to 6 pages (Dkt. No. 110) and instead filed a 10 page Reply in accordance with this Court's Individual Rules. Defendants were made aware of this oversight at approximately 9:30 last night, January 7, when Plaintiff Bytemark filed a Motion to Strike (Dkt. No. 125).

To remedy Defendants' oversight, Defendants submit the attached 6 page Reply in accordance with this Court's order. The attached Reply has been reduced to 6 pages by deletions only. Other than the deleted text, the attached Reply is identical to the one timely served on January 6. Defendants have gained no advantage by submitting the attached Reply.

For these reasons, Defendants respectfully request that the Court accept the attached 6 page Reply and disregard the 10 page Reply served on January 6 (Dkt. No. 118). Defendants also respectfully request that the acceptance of this 6 page Reply moots Bytemark's Motion to Strike.

Regards,



Ms. Ashley Moore

McKool Smith

A Professional Corporation • Attorneys

Austin | Dallas | Houston | Los Angeles | Marshall | New York